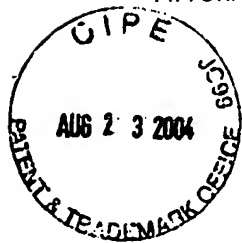


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* Practice Limited to
Federal Agencies

August 23, 2004

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PO Box 1450
Alexandria, VA 22313-1450

Art Unit 2171

Re: U.S. Utility Patent Application
Application No. 10/758,282; Filed: January 16, 2004
For: **Method and System for Downloading Network Data at a Controlled
Data Transfer Rate (as amended)**
Inventors: Cooper *et al.*
Our Ref: 2018.0050001

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Preliminary Amendment Under 37 C.F.R. § 1.115; and
2. Return postcard.

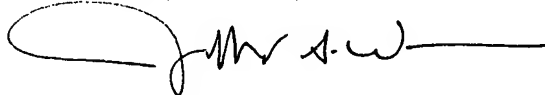
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
August 23, 2004
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'J. S. Weaver', with a long horizontal line extending to the right.

Jeffrey S. Weaver
Attorney for Applicants
Registration No. 45,608

JSW/asl
Enclosures

302491v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Cooper *et al.*
Appl. No. 10/758,282
Filed: January 16, 2004
For: **Method And System For
Downloading Network Data At A
Controlled Data Transfer Rate (as
amended)**

Confirmation No.: 5141
Art Unit: 2171
Examiner: To be assigned
Atty. Docket: 2018.0050001

Preliminary Amendment Under 37 C.F.R. § 1.115

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In advance of prosecution, Applicants submit the following amendments and remarks. This Preliminary Amendment is provided in the following format:

- (A) Each section begins on a separate sheet;
- (B) Starting on a separate sheet, amendments to the specification by presenting replacement paragraphs marked up to show changes made;
- (C) Starting on a separate sheet, a complete listing of all of the claims:
 - in ascending order;
 - with status identifiers; and
 - with markings in the currently amended claims;
- (D) Starting on a separate sheet, the Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned

under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.